

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

12 SEP 20 PM 3: 09

FOR THE DISTRICT OF NEW MEXICO

**CLERK-LAS CRUCES**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

DANNY BURNETT,

**Defendant.**
































CRIMINAL NO. 12-CR-2552 UE

Counts 1&2: 18 U.S.C. §2232(d):  
Notice of Certain Electronic  
Surveillance;

Count 3: 18 U.S.C. §2511(1)(c):  
Disclosure of Wire  
Communications

Count 4: 18 U.S.C. §1001(a)(2):  
False Statement

INDICTMENT

**The Grand Jury charges:**

Count 1

(Notice of Certain Electronic Surveillance)

On or about February 17, 2011, in the District of New Mexico, Defendant

## DANNY BURNETT

who having knowledge that a Federal investigative and law enforcement officer had been authorized and had applied for authorization under Chapter 119 of Title 18, United States Code to intercept a wire, oral and electronic communication, and in order to obstruct, impede and prevent such interception, gave notice and attempted to give notice to John Doe Number One of the possible interception of John Doe Number One's telephone, in violation of Title 18, United States Code, § 2232(d).

Count 2

(Notice of Certain Electronic Surveillance)

On or about February 17, 2011, in the District of New Mexico, Defendant

**DANNY BURNETT**

who having knowledge that a Federal investigative and law enforcement officer had been authorized and had applied for authorization under Chapter 119 of Title 18, United States Code to intercept a wire, oral and electronic communication, and in order to obstruct, impede and prevent such interception, gave notice and attempted to give notice to John Doe Number One of the possible interception of John Doe Number Two's telephone, in violation of Title 18, United States Code, § 2232(d).

Count 3

(Disclosure of Wire Communications)

On or about February 17, 2011, in the District of New Mexico, Defendant

**DANNY BURNETT**

intentionally disclosed and endeavored to disclose to John Doe Number One the contents of a wire, oral and electronic communication, that is a telephonic discussion between John Doe Number One and John Doe Number Two concerning firearms seized by agents of The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) pursuant to a search warrant on or about February 14, 2011 which conversation was intercepted pursuant to a Court ordered wire interception, knowing and having reason to know that the information was obtained through the interception of a wire, oral and electronic communication, in violation of Title 18, United States Code, § 2511(1)(c).

Count 4  
(False Statement)

On or about February 28, 2012, in the District of New Mexico, Defendant

**DANNY BURNETT**

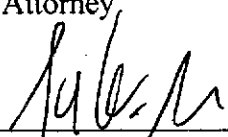
in a matter within the jurisdiction of the United States Department of Justice, Office of the Inspector General (DOJ-OIG), a part of the Executive Branch of the Government of the United States, did knowingly and willfully make a materially false, fictitious and fraudulent statement and representation in that the Defendant told a DOJ-OIG Special Agent that he had not informed John Doe Number One that John Doe Number One was the subject of a firearms trafficking investigation, when in truth and in fact, the Defendant did inform John Doe Number One that John Doe Number One was a subject of a firearms trafficking investigation, in violation of Title 18, United States Code, § 1001(a)(2).


A TRUE BILL:

15/  
FOREPERSON OF THE GRAND JURY

ERIC HOLDER  
United States Attorney General

ROBERT PITMAN  
United States Attorney

  
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STEVEN R. SPITZER  
Special Attorney

  
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GREGORY E. McDONALD  
Special Attorney